

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Audrey Goddard et al.      Examiner: Lorraine Spector  
Serial No.: 09/202,054      Group Art Unit: 1647  
Filed: December 7, 1998      Docket: G&C 669.23-US-WO  
Title: HUMAN TOLL HOMOLOGUES

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RESPONSE TO NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

MAIL STOP ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Drawing Inconsistency with Specification dated February 26, 2010, Applicants' attorney submits replacement drawing sheets 1-23.

REMARKS

In the Notice of Drawing Inconsistency with Specification dated February 26, 2010, the Patent Office Asserted that Figures 2, 4, 7 and 12A-B are listed in the Brief Description of the Drawings in the specification but not contained within the Drawings. In response, Applicants' attorney submits formal drawing sheets 1-23. For the reasons noted below, formal drawing sheets 1-23 (which include Figures 2, 4, 7 and 12A-B) introduce no new matter.

As noted for example on the filing receipt dated 07/21/99, the instant Application was a filing under 35 U.S.C. 371 of International Application No. PCT/US98/21141 (Publication No. WO 97/11178). Because International Application No. PCT/US98/21141 was filed in the United States Receiving Office (RO/US), a copy of this International Application as filed (35 U.S.C. 371(c)(2)) was not required to be submitted with documents filed in the U.S.P.T.O. on December 7, 1998.

A review of International Application No. PCT/US98/21141 confirms that Figures 2, 4, 7 and 12A-B are contained within its drawings. In addition, a review of the PAIR database documents relating to the instant application shows that Figures 2, 4, 7 and 12A-B are present in the U.S.P.T.O. Image File Wrapper documents, for example in sheets 80, 82, 83, 88, 93 and 94 of the PAIR Image File Wrapper file entitled "Documents submitted with 371 Applications" and dated 12-07-1998. Consequently, formal drawing sheets 1-23 (which include Figures 2, 4, 7 and 12A-B) introduce no new matter.

No fee is deemed necessary in connection with the filing of these drawings. However, should the Office determine that a fee is required, the Office is authorized to charge any such fee to Deposit Account No. 50-0494 of Gates & Cooper LLP.

Respectfully submitted,

GATES & COOPER LLP  
Attorneys for Applicants

Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

Date: March 10, 2010

By: /William J. Wood/  
Name: William J. Wood  
Reg. No.: 42,236